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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: 

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S. BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

KIMBERLY PARSITTIE, et al.,

Defendants.

Case No. CV 13-8388-UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because defendant removed it improperly.

On November 13, 2013, defendant Kimberly Parsittie, having been sued in what appears to be a routine unlawful detainer action in California Superior Court, lodged a Notice of Removal of that action to this Court, and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, plaintiff could not have brought this action in federal court in the first place, in that defendant does not competently allege facts supplying either

1 diversity or federal question jurisdiction, and therefore removal is improper. 28
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted both
4 federal question and diversity jurisdiction as her basis for removal. But as
5 described in more detail in the Order Denying Defendant's Request to Proceed
6 Without Prepayment of Filing Fee, because the unlawful detainer action to be
7 removed does not actually raise any federal claim, and because the amount in
8 controversy does not exceed \$75,000, there is no basis to assert either federal
9 question or diversity jurisdiction. *See* 28 U.S.C. §§ 1331, 1332, 1441.

10 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the
11 Superior Court of California, Los Angeles County, Long Beach/South District,
12 415 W. Ocean Blvd., Long Beach, CA 90802, for lack of subject matter
13 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified
14 copy of this Order to the state court; and (3) that the Clerk serve copies of this
15 Order on the parties.

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17
18 DATED: 11/20/13


HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE